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11 Performant Financial Corporation

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

12 PERFORMANT FINANCIAL)
13 CORPORATION, a Delaware corporation,) No. 3:13-cv-05876-NC
14 Plaintiff,)
15 vs.)
16 PERFORMANT SYSTEMS GROUP, LLC, a)
17 Michigan limited liability company d/b/a)
18 Performant Systems Group; and DOES 1-50,)
19 inclusive,)
20 Defendants.)
21)
Complaint Filed: December 18, 2013
Complaint Served: December 23, 2013
Current Response Date: February 12,
2014
New Response Date: August 11, 2014
Magistrate Judge Nathanael Cousins

22 WHEREAS, Plaintiff PERFORMANT FINANCIAL CORPORATION caused the
23 Summons and Complaint in this action to be served on Defendant PERFORMANT
24 SYSTEMS GROUP, LLC on December 23, 2013;

25 WHEREAS, in accordance with Federal Rule of Civil Procedure 12(a), Defendant's
26 response to the Complaint was due within twenty-one days after the December 23, 2013
27 service of the Summons and Complaint, or on January 13, 2014;

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1 WHEREAS, because the parties desired time to continue to discuss an informal
2 resolution of this matter, Defendant requested and Plaintiff agreed to a thirty-day extension
3 of time, until and including February 12, 2014, within which Defendant must respond to the
4 Complaint, and the parties filed herein on January 8, 2014 their initial Stipulation To
5 Extend Time To Respond To Initial Complaint (Doc. 10), which extended Defendant's time
6 to respond to the complaint by thirty days, from January 13, 2014 until and including
7 February 12, 2014;

8 WHEREAS, following entry of the aforesaid Stipulation, the parties reached a
9 conditional settlement;

10 WHEREAS, to allow for time for the completion and satisfaction of the specified
11 conditional settlement terms without incurring further costs of litigating this matter,
12 Defendant has requested and Plaintiff has agreed to an extension of time within which
13 Defendant must respond to the Complaint of one hundred and eighty (180) days, until and
14 including August 11, 2014;

15 WHEREAS, the parties anticipate at this time that all of the settlement conditions
16 will be fulfilled and that no further extensions of time within which Defendant must
17 respond to the Complaint will be necessary or requested;

18 WHEREAS, this extension will alter the date of deadlines previously fixed by this
19 Court's order of December 19, 2013 (Doc. 5), including the date of the initial Case
20 Management Conference in this action, which is currently set for March 19, 2014;

21 NOW THEREFORE, it is hereby stipulated, by and between the undersigned
22 counsel for the parties herein, that:

- 23 1. Defendant Performant Systems Group, LLC shall have until and including
24 August 11, 2014 to respond to Plaintiff Performant Financial Corporation's
25 Complaint;
- 26 2. The initial Case Management Conference shall be continued from its current date of
27 March 19, 2014 at 10:00 AM to September 17, 2014 at 10:00 AM; and

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1 3. All deadlines related to the Case Management Conference shall be continued
2 accordingly.

3 Dated: February 11, 2014

PILLSBURY WINTHROP SHAW PITTMAN LLP
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San Francisco, CA 94111

By _____ /s/ *Jeffrey S. Jacobi*
Jeffrey S. Jacobi
Attorneys for Plaintiff
PERFORMANT FINANCIAL
CORPORATION

10 Dated: February 11, 2014

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DICKINSON WRIGHT PLLC
JOHN C. BLATTNER
350 S. Main Street, Suite 300
Ann Arbor, MI 48104

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By /s/ John C. Blattner
John C. Blattner
Attorney for Defendant
PERFORMANT SYSTEMS
GROUP, LLC

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ATTESTATION OF SIGNATURE

(N.D. Cal. General Order 45)

21 I, Jeffrey S. Jacobi, hereby attest that concurrence in the filing of this document
22 entitled STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME TO RESPOND
23 TO INITIAL COMPLAINT AND CONTINUE INITIAL CASE MANAGEMENT
24 CONFERENCE (L.R. 6-1) has been obtained from all of the signatories.

Dated: February 11, 2014

By /s/ Jeffrey S. Jacobi
Jeffrey S. Jacobi

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ORDER

2 Upon consideration of the parties' stipulation and good cause appearing, IT IS

3 HEREBY ORDERED THAT:

4 1. Defendant Performant Systems Group, LLC shall have until and including August
5 11, 2014 to respond to Plaintiff Performant Financial Corporation's Complaint;
6 2. The initial Case Management Conference shall be continued from its current date of
7 March 19, 2014 at 10:00 AM to September 17, 2014 at 10:00 AM; and
8 3. All deadlines related to the Case Management Conference shall be continued
9 accordingly.

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11 Dated: February 24, 2014

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